

REMARKS

Enclosed herewith is a Substitute Specification in which the specification as filed has been amended in various places to correct typographical and grammatical errors, and also to add section headings. In addition, the specification as filed has been amended on page 5 to cite U.S. Patent 4,999,825 corresponding to the cited Dutch patent application. Enclosed herewith is form PTO/SB/08A citing this U.S. patent.

In support of the above, enclosed herewith is a copy of the specification as filed marked up with the above changes.

The undersigned attorney asserts that no new matter has been incorporated into the Substitute Specification.

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 1-17 under 35 U.S.C. 101 as claiming the same invention as that of claims 1-17 of prior U.S. Patent 6,740,263. This is a double patenting rejection.

First, Applicants would like to point out that the correct patent number is 6,704,263.

Applicants traverse the above rejection and offer the following explanation.

Claim 1 of U.S. Patent 6,704,263 states:

"A method of preventing recording on a disc like recording medium of the optically rewritable type, the method comprising

applying a pre-groove on a disc like recording medium adapted to record data therein in accordance with a first write strategy;

reserving a program calibration area (PCA) for optimum power control (OPC) and/or a program memory area (PMA) for temporarily storing a table of content (TOC) on said disc like recording medium, the method further characterized by,

making one or both of said areas untraceable for recording devices not adapted to write data on the disc like recording medium in accordance with the first write strategy."

However, claim 1 of the subject application now reads:

"A method of preventing recording on a disc-like recording medium of the optically rewritable type by recording devices adapted to write data on a disc-like recording medium in accordance with a second write strategy, the method comprising the steps of:

applying a pre-groove on a disc-like recording medium adapted to have data recorded therein in accordance with a first write strategy, different from said second write strategy;

reserving a program calibration area (PCA) for optimum power control (OPC) and/or a program memory area (PMA) for temporarily storing a table of content (TOC) on said disc-like recording medium; and

making one or both of said areas untraceable for recording devices adapted to write data on a disc-like recording medium in accordance with said second write strategy."

Applicants submit that while the inventions claimed in claim 1 of the cited patent is similar to the invention claimed in claim 1 of the subject application, it should be apparent to one skilled in that art that the inventions are not the same. In particular, the invention claimed in claim 1 of the cited patent prevents recording on the recording medium by recording devices not

in accordance with the first writing strategy, while the invention as claimed in claim 1 of the subject application prevents recording on the recording medium only by recording devices in accordance with a second writing strategy. Similar differences may be found in the other independent claims, i.e., claims 6 and 12.

In view of the above, Applicants believe that the subject invention, as claimed, is indeed statutory, and that this application, containing claims 1-17, is now in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

by 
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On February 14, 2004
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